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June 28, 2022

Hon. John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Monge v. Johnny B's Realty, LLC, et al.
1:21-cv-07664-JPC

**LETTER RESPONSE TO DISCOVERY MOTION BY PLAINTIFF (DKT. 41)
REQUEST FOR EXTENSION OF TIME &
REFERRAL TO MEDIATION**

To Your Honor

This office represents Defendant Rugo, LLC in the above-captioned action. This letter is in response to the letter motion by Plaintiff (Dkt. No. 41). In the first instance, counsel should apologize to the Court for missed deadlines that our the responsibility of this office. We have recent staffing shortages in the administrative area of the office, making inadvertent calendaring and administrative errors more likely, as is the case here. More staff have been hired, including an associate, ensuring this will not be an issue going forward and that this Court's deadlines will be followed.

The Defendant would request, regarding the Initial Disclosures and Discovery Responses that they be given until July 5, 2022 to deliver the same to Plaintiff. Plaintiff has made many modifications to the facility which provide the appropriate reasonable accommodations.

Additionally, the Parties, since the filing of Plaintiff's letter motion, have set a date for an inspection of August 25, 2022.

Defendant has discussed resolution of all matters with the Plaintiff and have come close to resolution, with the exception of a few narrow issues. As we have reached an impasse exacerbated by certain delays, Defendant would request that we be sent to the Court's mediation program in the hopes that one of the well skilled mediators on the panel can help bring this action to a resolution and close the remaining divisions between the Parties.



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Counsel gives his apologies again, and request the short adjournment to responds to the mandatory discovery and that the Court grant Defendants request for referral to a mediator.

Best regards,

Kevin S. Johnson
Kevin S. Johnson, Esq.

In light of Defendant Rugo, LLC's letter, Plaintiff's request to compel Defendant to provide discovery responses, Dkt. 41, is denied without prejudice. By July 5, 2022, Plaintiff shall advise the Court as to whether he joins Defendant's request for referral to the Court's Mediation Program.

The Clerk of Court is respectfully directed to close the letter motion pending at Docket Number 41.

SO ORDERED.

Date: June 29, 2022
New York, New York



JOHN P. CRONAN
United States District Judge